

W.P.No.6961 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED :29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.6961, 6962 and 6963 of 2015

and

M.P.Nos.1,1,1 and 2,2,2 of 2015

P.Raja

...

Petitioner in

W.P.No.6961 of 2015

C.Kamaraj

...

Petitioner in

W.P.No.6962 of 2015

Venkatachalam

...

Petitioner in

W.P.No.6963 of 2015

Vs

1.The Chairman

Tamil Nadu Electricity Board,

N.P.K.R.R.Maligai,

144, Anna Salai,

Chennai-600 002.

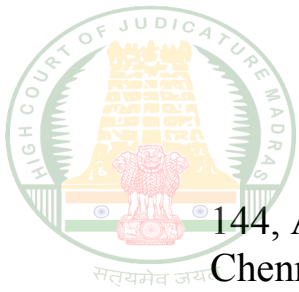
2.The Chief Engineer/Personnel,

Tamil Nadu Generation and

Distribution Corporation Limited,

Administrative Office,

8th Floor,



W.P.No.6961 of 2015

144, Anna Salai,
Chennai-600 002.

WEB COPY

3.The Superintending Engineer,
Perambalur Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Limited,
Perambalur.

...Respondents

COMMON PRAYER: These Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to orders issued in Memo No.100718/583/G57/G572/2012 dated 26.03.2012 and Memo No.100718/583/G57/G572/2012-2 dated 06.06.2012 and consequent letter No.100718/583/G57/G572/2013 dated 05.05.2014 issued by the 2nd respondent and quash the same insofar as the petitioner is concerned and consequently directing the 2nd respondent to promote the petitioner as per the seniority list prepared as on 01.01.2010 corrected upto 01.02.2010 issued by the 2nd respondent.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mrs.R.Varalakshmi [R1]
Mr.K.Purushothaman [R2&R3]



W.P.No.6961 of 2015

WEB COPY

COMMON ORDER

All the three writ petitions have been filed challenging the 2nd respondent's proceedings dated 26.03.2012, memo dated 06.06.2012 and consequential letter dated 05.05.2014, seeking a consequential direction to the 2nd respondent to promote the petitioners based on the seniority list prepared as on 01.01.2010 corrected upto 01.02.2010. In view of the similarity in the relief sought for, all the three writ petitions are heard together and disposed of by this common order.

2. The 2nd respondent/TANGEDCO wanted to fill up vacancies for the post of helper in the year 2009. Based on the call letters issued, the petitioners and several other persons have participated and totally 4000 persons were recruited to the post of ITI Helper (trainee) in Regular Work Establishment (RWE) category in two different batches. Two separate selection lists, one dated 28.02.2009 selecting 2500

3/17



W.P.No.6961 of 2015

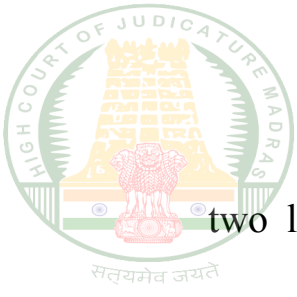
persons and another dated 03.06.2009 selecting further 1500 persons, totally for 4000 persons, were issued. Originally, based on the selection list, seniority list has been prepared and issued on 01.01.2010. Later when certain employees were transferred to other districts, they were placed at the bottom of the seniority list in the concerned circle and only taking note of the same, the seniority list was prepared in the year 2010. However, later the impugned proceedings came to be issued whereby de hors the transfers made, seniority was altered and fixed based on their selection list issued vide the aforesaid two orders. In respect of this procedure adopted, the petitioners are made juniors to the persons who were transferred to the circle and as such assailing the proceedings, the petitioners have preferred the above writ petitions.

3. The learned counsel for the petitioners by relying on the B.P.Ms.(Ch.)No.66, Administrative Branch, dated 01.02.1985, contended that when employees got transferred from one circle to another, then the *inter-se* seniority among them has to be fixed by



applying B.P.Ms.(Ch.)No.66 and the present proceedings issued is not in consonance with the same and therefore, is arbitrary, liable to be interfered with. He further contended that when the other employees who voluntarily got transfer to this circle were placed as juniors under the petitioners, now by giving effect to the impugned proceedings, the petitioners are made to lose their seniority by reworking the seniority list.

4. The learned counsel for the respondents submitted that all the 4000 persons were selected to the post of ITI Helpers vide selection lists in two batches and the 1st batch was placed as seniors to the candidates in the 2nd list. Only pursuant to the representation made by the selected candidates since they were made to work in cities far away from their home district and they were not able to sustain themselves, the grievances were placed before the Board and Board took decision that since it was a selection made State-wide by following communal roster, seniority was decided to be fixed based on their selection in the

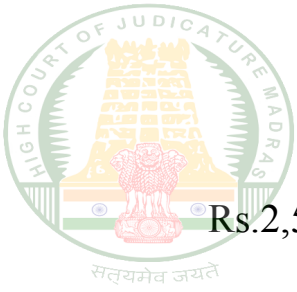


two lists. However, in the impugned proceedings itself, it has been made clear that if any further voluntary transfer is obtained, such candidates will be placed as junior in that circle. In such circumstances, the grievances expressed by the petitioners are baseless and the same is liable to be dismissed.

5. Heard Mr.G.Pugazhenth, learned counsel for the petitioners and Mrs.R.Varalakshmi, learned counsel for the 1st respondent and Mr.K.Purushothaman, learned counsel for the respondents 2 and 3.

6. Admittedly, the respondent/Board decided to fill up the post of ITI Helper and called for eligible candidates. Pursuant to the selection made, the Board has issued separate selection lists dated 28.02.2009 and 03.06.2009, appointing totally 4000 ITI Helpers in two groups, viz., 2,500 persons in 1st batch and 1500 persons in 2nd batch.

7. The selected candidates were only given a consolidated pay of



W.P.No.6961 of 2015

Rs.2,500/- per month for 2 years in the training period and after successful completion of training, they will come under the regular time scale of pay. Since several candidates were posted in cities like Chennai and Coimbatore far away from their home districts and they were not able to meet out their sustenance, on their request, those candidates were transferred and accommodated in their home districts.

8. On such transfer to their home districts by applying the Board proceedings, they had been placed as the junior most in that circle. However, representations were made by several persons, who were many in number and were selected through these two selection lists, that their original seniority need not be disturbed due to the transfer. As the selection has been made through State wise selection based on communal roster and the candidates were accommodated in their home districts, only in order to enable them to meet out their sustenance, the representations received from these individuals were placed before the Board and considering the request by proceedings dated 26.03.2012, on



W.P.No.6961 of 2015

noting that the two batches of candidates selected were assigned seniority purely based on the communal roster and fixed in the selection list, the Board had accepted the representations made and re-fixed the seniority to the effect that from 1 to 2500 persons selected on 28.02.2009 in the first batch shall be placed as seniors to the other candidates from 2501 to 4000 who were selected on 03.06.2009 in the second batch. As such, the seniority of these 4000 persons had been reworked and arranged in the aforesaid manner. Further, the same was taken note of in the proceedings of the Board dated 06.06.2012 by revising the seniority as indicated above.

9. Based on the proceedings, the 2nd respondent had also issued clarification dated 05.05.2014 which reads as under:

"Letter No.100718/583/G.57/G.572/2013, dated 05.05.2014

Sir,

Sub: Recruitment – Direct Recruitment of 4000

ITI Helper (Trainee) in RWE category in



WEB COPY

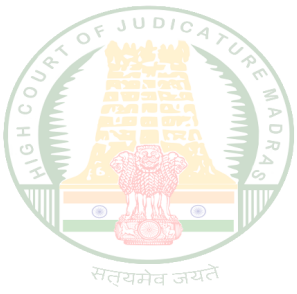


W.P.No.6961 of 2015

*two batches – Fixing of seniority –
Clarification – Regarding.*

- Ref:*
- 1. (Per) B.P.(FB) No.40, dated 14.12.2005.*
 - 2. (Per) B.P.(FB) No.8, dated 02.06.2009.*
 - 3.CE/Per.Lr.No.100459/265/G57/G572/2009,
dated 28.02.2009*
 - 4.CE/Per.Lr.No.100459/265/G57/G572/2009,
dated 03.06.2009*
 - 5.CE/Per.Lr.No.100459/265/G57/G572/2009,
dated 06.06.2009, 20.06.2009, 23.06.2009,
29.06.2009, 02.07.2009, 16.07.2009,
04.08.2009,
11.08.2009, 12.08.2009 etc.,*
 - 6. Memo No.100718/583/G57/G572/2012,
dated 26.03.2012.*
 - 7. Memo No.100718/583/G57/G572/2012-2,
dated 06.06.2012.*

Orders were issued vide reference 1,2,3 and 4 above, for the selection of 4000 ITI Helper (Trainee) by Direct Recruitment through Employment Exchange at a consolidated pay of Rs.2500/- per month for 2 years in the training period and after successful completion of training, they will come under the regular time scale of pay.



WEB COPY



W.P.No.6961 of 2015

2) *Certain ITI Helpers belonging to Villupuram and other regions but allotted to Chennai, Coimbatore and other regions were requesting for modification to post them to their parent districts as they were unable to meet out the day to day expenditure from their meager consolidated amount of Rs.2500/- per month.*

3) *The request of such cases for modification to their requested circle were examined and orders issued under various references cited (5) above, wherein it was stated that. "they are not eligible for T.T.A., and they are to be placed in the last name in the Helper (Trainee) category in their respective circle."*

4) *Subsequently it was represented that Helper seniority is maintained at circle level and also as the above selection was based on Communal Roaster and selection made at state level, the seniority of individuals for whom modification orders were issued from the Chief Engineer/Personnel office as above would be affected, and requested for consideration of seniority in respect of modification cases. Also it was represented that, due to their family circumstances they were unable to meet out their livelihood with the meagre consolidated wages.*

5) *Their request was carefully examined by the Board. The selection was made purely based on the Communal Roaster issued by the Government and the selection was made at state level.*



WEB COPY



W.P.No.6961 of 2015

Hence, it was treated as a special case and it was decided that seniority should be fixed based on the date of issue of selection order (i.e.,) 28.02.2009 and 03.06.2009 respectively.

6) Accordingly orders dated 26.03.2012 and 06.06.2012 were issued vide reference (6) and (7) above as below.

2) The Seniority of the 4000 ITI Helper (Trainee) should be assigned taking into account based on the date of issue of the Selection Order (i.e.,) 28.02.2009 and 03.06.2009 respectively.

3) The 2005 ITI Helper (Trainee), who were appointed on 28.02.2009 in the first batch should be kept as first in the Seniority and the 1500 Helper (Trainee) appointed on 03.06.2009 in the second batch are to be kept below to the first batch. This Seniority is purely based on the Communal Roaster and fixed in the Selection List.

4) The copy of the Selection list of 4000 ITI Helper (Trainee) in Communal Roaster wise is sent through E-Mail to all the Chief Engineers and all the Superintending Engineers concerned for fixing of Seniority (i.e.)

First Batch : Second Batch

Sl.Nos.1 to 2500 : Sl.Nos.2501 to 4000

7) In view of the above, it is re-iterated and clarified that



WEB COPY



W.P.No.6961 of 2015

seniority of Helper (Trainee) including those for whom orders were modified from the Head Quarters as stated above should be assigned based on the date of issue of selection order i.e., 28.02.2009 and 03.06.2009 and the same was sent already as enclosure to the above reference for taking further action.

8) Apart from the above, there are instances of request transfer orders issued by the Superintending Engineers/EDC and Regional Chief Engineers/Distribution concerned based on the Request, Transfer application of the individuals, Seniority of such individuals should be placed below the junior most in the circle where they have joined as per the standing instruction is vogue and the exception in para (7) will not be applicable to them."

10. From the above proceedings, it is clear that as certain ITI Helpers were posted in circles far away from their home district, they were not able to meet out their sustenance with the meagre salary amount of Rs.2,500/- p.m. In view of the representation made by them, the Board has accepted it as a special case and since the selection has been made at the State Level, the seniority has been fixed based on the selection Orders dated 28.02.2009 and 03.06.2009 respectively.



WEB COPY

11. In such circumstances, when admittedly all the 4000 persons had been recruited through these two selection lists, the grievance of the petitioners in view of the proceedings issued that there had been alteration of seniority by which the petitioners have been affected cannot be sustained. When they had all formed part of the same selection list, only at the time of recruitment they were immediately sent to several districts, but however, taking into account the practical difficulties, they were accommodated in the nearest possible places. In such circumstances, B.P.Ms.(Ch.)No.66 dated 01.02.1985 as referred cannot be applied and the Board has issued orders whereby the interest of 4000 candidates recruited was taken note of pragmatically and a solution has been arrived as to seniority based on the two selection lists.

12. Further Clauses 7 and 8 of the above proceedings dated 05.05.2014 also make it clear that if there are any request transfer



W.P.No.6961 of 2015

applications made and based on which the individuals are transferred and accommodated in any of the other circles, they are necessarily to be placed in the bottom of that circle. When this Clause specifically is in consonance with the B.P.Ms.(Ch.)No.66 proceedings as pointed out and argued by the learned counsel for the petitioners, the objections and the challenge made by the petitioners in these writ petitions cannot be sustained.

13. In view of the above, all the three writ petitions fail and accordingly, all the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn



W.P.No.6961 of 2015

WEB COPY

To

1.The Chairman
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer/Personnel,
Tamil Nadu Generation and
Distribution Corporation Limited,
Administrative Office,
8th Floor,
144, Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Perambalur Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Limited,
Perambalur.

15/17



WEB COPY



W.P.No.6961 of 2015



WEB COPY



W.P.No.6961 of 2015

G.ARUL MURUGAN, J.,

ssn

W.P.Nos.6961, 6962 and 6963 of 2015
and
M.P.Nos.1,1,1 and 2,2,2 of 2015

29.01.2025